

FILED 19 SEP 3 10:50 USDC-ORM

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

KEL KEZIAH

Case No.

1:19-mj-00156-CL

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 30, 2019 in the county of Klamath in the  
District of Oregon, the defendant(s) violated:

## Code Section

36 C.F.R. § 2.34(a)(1)  
 18 U.S.C. § 113(a)(5)  
 36 C.F.R. § 2.35(c)

## Offense Description

Disorderly conduct by engaging in fighting, threatening or violent behavior  
 Simple Assault  
 Use of alcoholic beverages when being under the influence to a degree that  
 may endanger oneself or another person, or damage property or park  
 resources

This criminal complaint is based on these facts:

Please see attached affidavit of U.S. Park Ranger Megan Hoyt.

☒ Continued on the attached sheet.


Complainant's signature

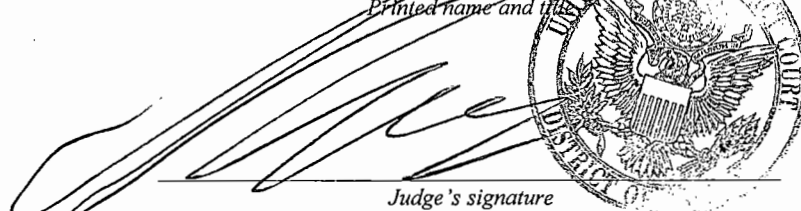
MEGAN HOYT, U.S. Park Ranger

Printed name and title

Sworn to before me and signed in my presence.

Date:

9/3/19

City and state: Medford, Oregon


Judge's signature

MARK D. CLARKE, U.S. Magistrate Judge

Printed name and title



DISTRICT OF OREGON, ss:           AFFIDAVIT OF MEGAN HOYT

**Affidavit in Support of a Criminal Complaint**

I, Megan Hoyt, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1.       I have been a U.S Park Ranger with the National Park Service at Crater Lake National Park since May of 2019. My training and experience includes attending the federally accredited Park Ranger Law Enforcement Academy at San Rosa Junior College in Santa Rosa, California, which consisted of training in federal criminal law enforcement and investigative techniques and constitutional law; I completed the academy in May of 2018. I worked for the City of San Jose as a Peace Officer Park Ranger from December 2017 until March of 2019. As a Peace Officer for the State of California, I investigated crimes against persons, enforced San Jose City Municipal Code, California state penal code and state fish and game laws. In May of 2019, I became a federal law enforcement Park Ranger at Crater Lake National Park in Oregon, where I currently serve. As a federal Park Ranger, I have primarily enforced violations for Title 36, Code of Federal Regulations, Sections 16, 18 and 21, as well as the assimilated Oregon State Penal Code.

2.       I submit this affidavit in support of a criminal complaint for Kel KEZIAH, for engaging in fighting, threatening or violent behavior 36 C.F.R. § 2.34(a)(1), for being under the influence of alcohol to a degree that may endanger oneself and others, 36 C.F.R. § 2.35(c), and for simple assault, in violation of 18 U.S.C. § 113(a)(5). As set forth below, there is probable cause to believe, and I do believe, that Kel KEZIAH created and maintained a hazardous or physically offensive condition in violation of 36 C.F.R. § 2.34(a)(1), was under the influence of

alcohol to a degree that may endanger oneself and others, in violation of 36 C.F.R. § 2.35(c), committed simple assault, in violation of 18 U.S.C. § 113(a)(5).

**Applicable Law**

3. Title 36, Code of Federal Regulations, Section 2.34(a)(1) provides that a person commits disorderly conduct when, with intent to cause public alarm, nuisance, jeopardy or violence, knowingly or recklessly creating a risk thereof, or creates and maintains a hazardous or physically offensive condition by engaging in fighting, threatening or violent behavior.

4. Title 36, Code of Federal Regulations, Section 2.35(c) provides that the use of alcoholic beverages is prohibited when being under the influence to a degree that may endanger oneself or another person, or damage property or park resources.

5. Title 18 United States Code, Section 113(a)(5) provides that whoever strikes another person, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault.

**Statement of Probable Cause**

6. On August 30, 2019 while exercising my duties as a law enforcement officer in the District of Oregon, within the exclusive federal jurisdiction of Crater Lake National Park, I was dispatched with United States Park Ranger (USPR) Chad Hunter and Ric Lentz at approximately 2241 hours to a report of a fight at Rim Dorm. USPR Hunter and I arrived on scene at approximately 2303 hours and contacted Kel KEZIAH (identified by his North Carolina ID). KEZIAH told me that he punched the victim in the face and that he “messed up.” KEZIAH also told me that the victim walked up to him, nose to nose, and begged KEZIAH to punch him

in the face, so he did. KEZIAH admitted to drinking alcoholic beverages, including but not limited to, two glasses of wine and a few beers. KEZIAH said "I'm drunk" multiple times.

7. KEZIAH became loud, yelled, "this is bullshit" and took a step away from the wall towards me and put his hands in the air, I directed him to put his back against the wall. USPR Lentz put KEZIAH in handcuffs and double-locked them. KEZIAH was placed in custody because he continued to drink even after the fight; based on his inebriated state, it was clear that KEZIAH may have caused further disorderly conduct with the victim or others. KEZIAH smelled heavily of alcohol, his clothes were disheveled, he slurred his speech while talking to me, he almost fell over when he set his beer on the ground, and his eyes were bloodshot with dilated pupils.

8. USPR Lentz and I walked to the front of Rim Dorm with KEZIAH in handcuffs and stood at the rear passenger side of my patrol car. KEZIAH initially refused to get into the back seat of my patrol car. After being given several opportunities to comply, I helped him into the back seat of the patrol car. KEZIAH initially refused to get out of the patrol car when I asked him to get out, so I could conduct a search incident to arrest. When he eventually complied, KEZIAH further resisted by twisting away from me as I held his right arm and hand. I also told him to stop and separate his feet, which he did not comply with. I told KEZIAH that if he didn't stop resisting I was going to put him on the ground and search him from there. While at Jackson County Jail, KEZIAH provided a breath sample, which resulted in .18 BAC.

9. Prior to KEZIAH's arrest, USPR Hunter interviewed the victim who KEZIAH had assaulted. The victim reported that prior to the assault, KEZIAH "was calling people 'faggots' and that didn't sit well with him." The victim then confronted KEZIAH, and KEZIAH

struck him in the face. The victim suffered a swollen, cut, and bruised lip, and his glasses were knocked-off and broken. KEZIAH has a laceration to his hand where he made contact with the victim's face.

**Conclusion**

10. Based on the foregoing, I have probable cause to believe, and I do believe, that Kel KEZIAH committed an act of disorderly conduct by engaging in fighting, threatening or violent behavior in violation of 36 C.F.R. § 2.34(a)(1), simple assault, in violation of 18 U.S.C. § 113(a)(5) and was under the influence of alcohol to a degree that may endanger oneself and others in violation of 36 C.F.R. § 2.35(c). I therefore request that the Court issue a criminal complaint for Kel KEZIAH.

11. Prior to being submitted to the Court, this affidavit and the accompanying complaint were reviewed by Assistant United States Attorney (AUSA) Adam Delph. AUSA Delph advised me that in his opinion, the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint.

  
MEGAN HOYT

U.S. Park Ranger, National Park Service

Subscribed and sworn to before me this 3 day of September 2019.

  
MARK D. CLARKE

United States Magistrate Judge